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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,414	07/25/2006	Johannus Wilhelmus Weekamp	NL 040481	1742
24737 7590 09/23/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SCHWARTZ, JORDAN MARC				
ART UNIT		PAPER NUMBER		
2873				
MAIL DATE		DELIVERY MODE		
09/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/597,414

**Applicant(s)**WEEKAMP, JOHANNUS  
WILHELMUS**Examiner**

Jordan M. Schwartz

**Art Unit**

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Foreign Document

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/IB2005/050266, filed on January 24, 2005.

### ***Specification***

The following guidelines illustrate the preferred layout and content for utility patent applications. These guidelines are suggested for the applicant's use. The following section headings are preferably used within the specification where appropriate and each of the numbered items should appear in upper case, without underline or bold type, as sections headings.

1. BACKGROUND OF THE INVENTION
2. SUMMARY OF THE INVENTION
3. BRIEF DESCRIPTION OF THE DRAWINGS
4. DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: In claim 1, line 6, "through-hole (10)" should be corrected to "through-hole (11)". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese document number 2002-162506 (herein referred to as Jp'506).

Jp'506 reads on these claims by disclosing the limitations therein including the following: a variable focus lens (Figure 1 and see English translation, paragraph 0002); comprising a body which is provided by a through hole (Figure 1, English translation, paragraph 0008, body "105"); the through-hole for providing a light path through the body (Figure 1, the through hole in the center formed by the body 105); at least a surface layer of the body comprising an electrically conducting material (Figure 1, English translation paragraph 0015, electrode "125" as the electrically conducting material which is located on a surface of body "105"); covers which are optically transparent for closing off the through-hole (Figure 1, English translation, paragraphs 0007-0008, "102" and "106" as the transparent covers); an electrically insulating fluid (Figure 1, English translation, paragraphs 0017-0020, liquid "122"); an electrically conducting fluid (Figure 1, English translation, paragraphs 0017-0020, liquid "121"); the two liquids contained by a fluid chamber enclosed by the covers and an inner surface of the through hole (Figure 1); the two liquids as non-miscible and in contact over a meniscus (Figure 1, English translation, paragraphs 0017-0020); a shape of the meniscus is variable under the application of a voltage between the electrically conductive surface of the body and the electrically conducting liquid (Figure 1, English translation, paragraphs 0017-0023); an electrically insulating member covering at least

the portion of the surface of the body contacting the electrically conducting fluid (Figure 1, English translation, paragraphs 0017-0020, insulating layer "104" and hydrophobic film "112" together as the "insulating member" and as per Figure 1 they cover a portion of the surface of body 105 that is in contact with the electrically conducting fluid "121"); sealing means for sealing the fluid chamber (Figure 1, the entire structure surrounding the chamber that provides sealing); at least one expansion member which is at least partially flexible (English abstracts, Figures 1-6, film-shaped flexible sealing members "150" and "151"); which is part of a circumscription of the fluid chamber (English abstracts and Figures 1-6 with "150" and "151" described as "sealing films" and therefore part of the structure that is confining the fluid chamber within bounds i.e. "circumscription"); the expansion member capable of compensating for variations of the volume of the fluid chambers by keeping pressure at a substantially fixed level (English abstracts and English translation, paragraphs 0084 to 0089); the expansion member as part of the sealing means (English abstract, figure 1 with "150" and "151" described as "sealing films" and English translation, paragraph 0080); an expansion member further comprising a resilient member for biasing a portion of the sealing means (Figures 1-6, such as figure 3 with resilient member "151" or figure 6 with resilient member "170b" for biasing a portion of the sealing means); the portion of the sealing means which is part of the expansion member comprising a sealing ring (English translation, paragraphs 0077, Figures 1 and 3, ring 150 or Figure 6, ring 171); further comprising a resilient ring surrounding the sealing ring (English translation, paragraphs 0077, Figures 1 and 3, ring 151 or figure 6, ring 170b); the variable focus lens within a camera (English translation,

paragraphs 0124-0129); and input means, information processing means and display means (English translation, paragraphs 0124-0129).

***Prior Art Citations***

Obrebski patent number 7,411,739 Onuki et al patent number 7,388,705, and Feenstra et al patent number 7,307,672 are being cited herein to show variable focus lens packages having some similar structure to that of the claimed invention.

***Allowable Subject Matter***

Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: with respect to the allowable subject matter, none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to claim 3, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens specifically including, as the distinguishing feature in combination with the other limitations, at least a portion of the expansion member slidably arranged with respect to a portion of the surface of the body. Specifically, with reference to claim 4, none of the prior art either alone or in combination disclose or teach of the claimed variable focus lens specifically including, as the distinguishing feature in combination with the other limitations, at least a portion of the expansion member slidably arranged with respect to a portion of a surface of one of the claimed covers.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is 571-272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
September 19, 2008

/Jordan M. Schwartz/  
Primary Examiner, Art Unit 2873